

**VILLAGE OF GOLD RIVER**

**BYLAW NO. 736, 2022**

**A BYLAW TO PROVIDE FOR THE CONTROL AND LICENSING OF DOGS AND OTHER ANIMALS**

**WHEREAS** pursuant to Section 8 of the Community Charter Council, may by bylaw, regulate, prohibit and impose requirements in relation to animals;

**WHEREAS** Section 48 of the Community Charter provides Council authority to regulate the keeping of dogs and other animals in the municipality; And,

**WHEREAS** Section 49 of the Community Charter provides special powers in relation to dangerous dogs;

**NOW THEREFORE** the Council of the Village of Gold River, in open meeting assembled, enacts as follows:

1. CITATION

- 1.1. This Bylaw shall be cited for all purposes as the "Village of Gold River Animal Control and Pound Bylaw No. 736, 2022".

2. DEFINITIONS

- 2.1. "**Aggressive Dog**" means a Dog that is a Dangerous or has, in the absence of a Mitigating Factor:
  - a. aggressively pursued or harassed a person or Animal;
  - b. displayed aggressive behaviour including, but not limited to, growling, snarling, lunging; or
  - c. displayed a disposition, propensity or potential to attack or injure a person or Animal; or presented a continuing threat of serious harm to humans or Animals.
- 2.2. "**Animal**" means any dog or domestic animal.
- 2.3. "**At Large**" means not being under the direct and continuous control of the Owner either by being:
  - a. securely contained or tethered in or upon the property of the its Owner;
  - b. securely confined within a building or escape proof enclosure; or
  - c. in the care and control of a Competent Person who is exercising direct control over it.
- 2.4. "**Basic Care**" means the provision of:
  - a. adequate and appropriate food and potable water in sanitary receptacles;
  - b. shelter in an area of sufficient size and which is maintained to prevent the animal from suffering discomfort and which includes clean bedding material;
  - c. adequate exercise; and
  - d. veterinary care as may be required to maintain the health and comfort of the particular Animal.
- 2.5. "**Bylaw Enforcement Officer**" means the person or persons appointed by the Council as a Bylaw Enforcement Officer, Public Safety Officer, Animal Control Officer, and members of the Royal Canadian Mounted Police.
- 2.6. "**Competent Person**" means a person who is physically and mentally able to control a Dog and to ensure compliance with this Bylaw.
- 2.7. "**Council**" means the Municipal Council of the Village of Gold River.
- 2.8. "**Dangerous Dog**" means a 'dangerous dog' as defined under section 49 of the *Community Charter*.
- 2.9. "**Defecate**" means to discharge Faeces from the body.

- 2.10. **“Dog”** means any Animal of the canis familiaris species irrespective of age or sex.
- 2.11. **“Dog Licence”** means a licence for a dog for the current licencing year that has been paid for and that has been issued by the municipality.
- 2.12. **“Enclosure”** means a fence or structure of at least 6 feet in height, forming an enclosure capable of preventing the entry of a child under the age of 10 years and adequately constructed to prevent a dog from escaping.
- 2.13. **“Faeces”** means waste matter discharged from the bowels.
- 2.14. **“Leash”** means a device, or use of a device, made of metal, nylon or other similar strong material no more than 2 meters (6.6 feet) in length and of sufficient strength and design to restrain the size and strength of a dog for which it will be used. One end must remain securely affixed to a collar or harness securely attached to the animal with the other end held by a person capable of controlling the dog at all times.
- 2.15. **“Kennel”** means a parcel where four or more dogs are kept, trained, cared for, bred, treated, hospitalized or boarded for personal enjoyment, for remuneration or for the purpose of sale.
- 2.16. **“Mitigating Factor”** means a circumstance that excuses the aggressive behaviour of a Dog and includes:
- responding to an attack by a person or aggressive Animal;
  - responding to an attack by a person or aggressive Animal on the Dog’s offspring;
  - responding to teasing, provocation or torment;
  - protecting its Owner from physical harm; or
  - defending the real or personal property of its Owner from trespass, damage or theft.
- 2.17. **“Owner”** means any person”
- owning, possessing or harbouring a Dog or other Animal;
  - having care and control over a Dog or other Animal; or
  - suffering or permitting a Dog or other Animal to remaining about the person's property.
- 2.18. **“Pound”** means:
- premises or vehicles used by the Poundkeeper to harbour and maintain animals pursuant to this bylaw; or
  - a premise designated by contract with the Village for the impoundment, care and feeding of animals pursuant to this bylaw.
- 2.19. **“Poundkeeper”** means a person or persons appointed from time to time by Council, to be the Poundkeeper, or the authorized agent of any corporation or society with whom Council has an agreement to act as poundkeeper, or any person or persons that Council may authorize to assist the poundkeeper to enforce this Bylaw.
- 2.20. **“Unlicensed”** means a Dog:
- for which the licence for the current year has not been obtained; or
  - to which a licence tag is not attached.
- 2.21. **“Village”** means the Village of Gold River.

### 3. LICENSING REQUIREMENTS

- 3.1. The Owner of a Dog is responsible for providing proof that:
- their Dog is spayed or neutered; and
  - their Dog is less than three months of age.

- 3.2. An Owner of a Dog that is three months of age or older must:
  - a. obtain a licence for that Dog for the current calendar year; and
  - b. must thereafter obtain a new licence for each subsequent calendar year.
- 3.3. A Dog License issued pursuant to this bylaw expires on the 31<sup>st</sup> day of December of the licencing year.
- 3.4. A Dog License shall be worn only by the Dog for which it is issued and is not transferable to another Dog, or to an Owner other than the person to whom the licence was issued.
- 3.5. A licence may be issued to a person under the age of sixteen years if the applicant for the licence is accompanied by a written consent of the parent or guardian of the applicant, and in that case the parent or guardian is deemed to be the Owner of the Dog for the purpose of this bylaw.
- 3.6. At the time of application, the Owner shall pay the applicable licence fee.
- 3.7. The Owner may pay the reduced fee for neutered or spayed Dogs provided the Owner:
  - a. presents a certificate signed by a duly qualified veterinarian saying that the Dog is neutered, spayed or the Dog is incapable of producing offspring; or
  - b. executes a statutory declaration declaring that the Dog is neutered or spayed.
- 3.8. Every Owner shall:
  - a. affix the tag to the Dog's collar or harness; and
  - b. ensure that the collar and tag are worn by the Dog.
- 3.9. When a tag is lost or destroyed, the Village will issue a replacement tag upon payment of the prescribed fee.
- 3.10. License fees are non-refundable.
- 3.11. No household shall keep or have in their possession more than three (3) dogs over the age of three (3) months. Where any owner possesses or harbors four (4) or more dogs they shall be deemed to own a Kennel subject to the current land use, subdivision or zoning bylaw of the municipality, and further the annual licence fee payable shall be subject to the current business licence bylaw of the municipality.

#### 4. RESPONSIBILITY OF OWNER

- 4.1. Every Owner shall take effective measures to ensure that their dog:
  - a. is not At Large
  - b. does not bite or attack a domestic animal or person; or
  - c. does not damage public or private property.
- 4.2. Every Owner shall keep their Dog Leashed when the Dog is in a public place unless that place has been designated an off-leash area.
- 4.3. Despite subsection 4.1 (a) Council may by resolution designate off-leash areas where licensed Dogs are permitted to be At Large.
- 4.4. Every Owner of an Aggressive Dog shall at all times, while the dog is anywhere else than on lands or premises owned or occupied by the dog owner, keep the dog muzzled and leashed to prevent it from attacking another animal or human, or causing damage to public or private property.
- 4.5. Every Owner of an Aggressive Dog shall at all times, while the dog is on land or premises owned or occupied by the dog owner, keep the dog securely confined either indoors or in an Enclosure.
- 4.6. Every Owner of a female Dog in heat shall keep the Dog on the Owner's property and:
  - a. confined indoors under the effective control of a Competent Person over the age of sixteen (16) years;

- b. confined within a securely fenced side or rear yard where the fence is of adequate design and dimension to prevent the Dog from escaping the yard and any gate in such fenced areas shall be locked at all times when the Dog is in the fenced area;
- c. confined in a Secure Enclosure; or
- d. securely Leashed or harnessed with a non-retractable Leash no more than two (2) metres in length and under the effective control of a Competent Person over the age of sixteen (16) years.

4.7. No person shall rescue or attempt to rescue an animal lawfully in custody of the Poundkeeper, police officer or bylaw enforcement officer pursuant to this bylaw. Further it is an offence to resist, obstruct or interfere with the Poundkeeper in the performance or course of their duties.

4.8. No person shall keep, harbour, house or maintain within the municipality a dangerous or habitually noisy Dog.

4.9. No person shall keep Dogs or animals to the extent of creating a nuisance, disturbance or public health hazard.

4.10. Owner must immediately remove feces deposited by the Owner's Dog on property other than the Owner's property.

4.11. Owner shall not permit or allow their Dog on any school ground, playground or park where Dogs are expressly prohibited.

## 5. CARE OF ANIMALS

5.1. No person shall keep an animal in the Village unless the animal is provided with Basic Care.

5.2. No person shall confine an Animal in any motor vehicle or enclosed area without providing adequate ventilation to prevent the Animal from suffering from distress, discomfort or injury due to heat.

## 6. AGGRESSIVE DOGS

6.1. Owner of an Aggressive Dog shall:

- a. take all necessary steps to ensure that the Dog does not bite, chase or attack any person, cat or Animal;
- b. when the Dog is on the Owner's property keep the Dog:
  - i. confined indoors under the effective control of a Competent Person over the age of sixteen (16) years;
  - ii. confined within a securely fenced side or rear yard where the fence is of adequate design and dimension to prevent the Dog from escaping the yard and any gate in such fenced areas is locked at all times when the Dog is in the fenced area; or
  - iii. confined in a Secure Enclosure;
- c. when the Dog is off the Owner's property keep the Dog harnessed or leashed securely with a non-retractable Leash no more than two (2) metres in length and under the effective control of Competent Person over the age of sixteen (16) years to effectively prevent it from attacking or biting a person or Animal;
- d. notify the Bylaw Enforcement Officer within forty-eight (48) hours of:
  - i. any changes in residency or ownership of the Dog; or
  - ii. the death of the Dog.

## 7. KENNELS

7.1. An owner of a Kennel shall apply to the Village for a Kennel licence and upon payment of the prescribed fee and proof of compliance with all other relevant Village bylaws, the owner shall be issued a Kennel licence and licence tags for each dog kept in the Kennel

- 7.2. A Kennel licence is not a substitute for a licence required by the Village business licence bylaw and does not relieve the owner of a Kennel from compliance with that bylaw nor any other relevant bylaw of the Village.
- 7.3. No person shall:
- a. have or keep more than ten (10) dogs in a kennel;
  - b. permit or cause a dog to be unattended or uncontrolled in an open-air run in a Kennel between the hours of 9:00 p.m. and 7:00 a.m.;
  - c. allow a dog to run loose in a Kennel except in an adequately fenced area;
  - d. permit or cause barking, yelping, howling or other frequent noise to emanate from a kennel.
- 7.4. The owner or operator of a Kennel shall
- a. ensure that all dogs in the Kennel are under control and are restrained from frequent barking, yelping, howling or making other noise;
  - b. keep the Kennel at all times in good repair;
  - c. keep the Kennel and yard surrounding it at all times in a clean and sanitary condition and free of vermin and rodents;
  - d. collect all uneaten food from the Kennel daily, wrap it and place it in a garbage can for collection;
  - e. dispose of all manure, dung or refuse and all liquid wastes from the Kennel in a manner which meets the approval of the Medical Health Officer and the Village;
  - f. dispose of all hair clippings and waste paper in a sanitary manner; and
  - g. keep the Kennel regularly cleaned and disinfected and free of any offensive or disagreeable odors to the satisfaction of the Medical Health Officer.

## 8. NOTICE

- 8.1. Where a Bylaw Enforcement Officer has reason to believe that a Dog is an Aggressive Dog, the Bylaw Enforcement Officer may issue and serve upon the Owner a notice in letter form stating that the Owner's Dog meets the definition of an Aggressive Dog and advising the owner of the requirement set out in sections 6 as they apply to the Owner's Dog.
- 8.2. The notice set out in subsection 8.1 may be served on the Owner by:
- a. personally handing the notice to the Owner;
  - b. handing the notice to an adult person on the Owner's property;
  - c. posting the notice upon some part of the Owner's property and by sending a copy by regular mail;  
or
  - d. mailing a copy by prepaid registered mail to the last known address of the Owner.
- 8.3. Where the notice is delivered by the methods set out in subsections 8.2 (c) or (d) the notice shall be deemed to be served seven days after the notice was mailed.
- 8.4. The notice set out in section 8.1 shall include a statement advising the Owner of the Dog of the ability to appeal the determination of the Bylaw Enforcement Officer to Council.

## 9. APPEAL

- 9.1. Owner of a Dog who has received a notice pursuant to subsection 8.1 of this Bylaw may appeal the findings of the Bylaw Enforcement Officer to Council within thirty (30) days of service of the notice and Council may hold a hearing to determine the merits of the Owner's appeal.
- 9.2. Upon receipt of an application for an appeal, the Village shall give the Owner of the Dog at least seven (7) days written notice of the appeal hearing.
- 9.3. After a hearing Council may confirm or reverse the findings of the Bylaw Enforcement Officer.

## 10. RESPONSIBILITY OF VILLAGE ADMINISTRATION

- 10.1. The Council may establish one or more pounds for the keeping and impounding of Dogs and the Poundkeeper shall make all rules and regulations not inconsistent with this Bylaw pertaining to the administration of the pounds.
- 10.2. Designated Village staff shall keep a record for each licence issued which shall include:
  - a. the full name and address of the Owner;
  - b. the breed, colour, and sex;
  - c. the number stamped on the tag issued to the Owner; and
  - d. the amount of licence fee paid by the Owner.

## 11. SEIZURE AND IMPOUNDMENT

- 11.1. The Poundkeeper or Bylaw Enforcement Officer may seize and impound:
  - a. an Animal unlawfully At Large on a highway or in a public place;
  - b. an Unlicensed Dog;
  - c. an Animal straying or trespassing on private property;
  - d. an Animal on unfenced land and not securely tethered or contained;
  - e. an Animal that the Poundkeeper or Bylaw Enforcement Officer determines is subject to suffering;  
or,
  - f. an Animal designated as a dangerous dog.
- 11.2. Where an Animal has been seized and impounded pursuant to subsection 11.1 (e) of this Bylaw and the Poundkeeper or Bylaw Enforcement Officer determines that the Animal's suffering cannot be otherwise reasonably addressed, the Village or the Poundkeeper may retain a veterinarian licensed to practice in British Columbia to humanely destroy the Animal.
- 11.3. Where an Animal has been seized under section 11.1(a)-(e), the Poundkeeper shall impound the Animal for a period of at least seventy-two (72) hours, excluding Sundays and statutory holidays, unless the Owner claims the Animal and takes possession of it earlier in accordance with section 11.4.
- 11.4. The Owner, or the Owner's agent, may take possession of an impounded Animal upon payment to the Poundkeeper of:
  - a. the appropriate license fee if the Animal is an Unlicensed Dog;
  - b. Impoundment fees that have accrued; and
  - c. any veterinarian fees incurred by the Village while the Animal is at the pound.
- 11.5. Where an Owner fails to claim and take possession of an Animal within the seventy-two (72) hour time period set out in section 11.3, the Animal may be humanely destroyed, sold, or otherwise disposed of.
- 11.6. Owner of an impounded Animal is liable to pay the following fees set out in Schedule "A" of the Village of Gold River Bylaw Notice Enforcement Bylaw No. 737, 2022 regardless of whether or not the Owner claims the Animal:
  - a. the kennel fees, which fees are imposed for every twenty-four (24) hour period or fraction thereof the Dog has been impounded;
  - b. the veterinarian fees if the Animal received veterinarian care; and
  - c. the destruction fee if the Animal is destroyed.

## 12. ENFORCMENT

- 12.1. This Bylaw may be enforced by the Poundkeeper or Bylaw Enforcement Officer and any other person or class of persons designated by the Village to enforce Village bylaws.
- 12.2. No person shall interfere with, hinder or obstruct an authorized person in the exercise or performance of her or her powers, duties or functions under this Bylaw including, with limiting the generality of the foregoing, by:
  - a. providing false information;

- b. unlocking or unlatching or otherwise opening a vehicle or enclosure in which an impounded Animal has been placed;
- c. removing or attempting to remove any Animal from the possession of a Poundkeeper or Bylaw Enforcement Officer; or
- d. removing, or attempting to remove, an Animal from the Pound except in accordance with this Bylaw.

13. SEVERABILITY

- 13.1. If any section, subsection sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the part that is invalid shall not affect the validity of the remainder.

14. PENALTIES

- 14.1. Every person who commits an offence against this Bylaw is liable upon summary conviction to pay a fine of not more than \$2,500 and not less than \$100.00 payable within such time as the presiding Provincial Court Judge shall direct.
- 14.2. Despite section 14.1, if a person is convicted of an offence that applies specifically to an Owner of a Biting or an Aggressive Dog that person shall be liable upon summary conviction to pay a fine of not more than \$10,000 and not less than \$300.00 for each offence payable within such time as the presiding Provincial Court Judge shall direct.
- 14.3. Penalties may be processed by bylaw notice in accordance with the Village of Gold River Bylaw Notice Enforcement Bylaw No. 737, 2022 or by the municipal ticket information system in accordance with the Village of Gold River Municipal Ticket Information Bylaw No. 704, 2018.
- 14.4. Penalties for offences against this bylaw are set out in Schedule “A” of the Village of Gold River Bylaw Notice Enforcement Bylaw No. 737, 2022.
- 14.5. Each day an offence continues constitutes a separate offence.

15. FEES

- 15.1. Annual licencing fees are set out in Schedule “H” of the Village of Gold River Fees and Charges Bylaw No. 734, 2021.

16. REPEAL

- 16.1. “Village of Gold River Animal Control and Pound Bylaw No. 646, 2005”, and “Village of Gold River Animal Control & Pound Bylaw No. 646, 2005, Amendment Bylaw No. 646.1, 2008” is hereby repealed.

READ A FIRST TIME THE        4<sup>th</sup>    day of    April    2022.  
 READ A SECOND TIME THE    4<sup>th</sup>    day of    April    2022.  
 READ A THIRD TIME THE      4<sup>th</sup>    day of    April    2022.  
 ADOPTED THE                    19<sup>th</sup>   day of    April    2022.

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 B. Unger

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 Mayor

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 M. Roy

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 Corporate Officer